

FILED

96 MAY 30 PM 4: 52

BEVERLY FRAME  
CLERK OF SUPERIOR COURT  
YUMA, ARIZONA 85364

**IN THE SUPERIOR COURT OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA**

In the Matter of

NON-PAYMENT OF NECESSARY  
AND REASONABLE COURT EXPENSES

Administrative Order 96-14

It has come to the attention of the Court that certain purchase orders and requisitions related to the payment of the necessary and reasonable, and, indeed, certain mandated expenses of the court are not being approved for payment. The court is informed by the Finance Director of Yuma County that the Yuma County Administrator directed him to deny payment of expenditures in the event that budgets were to be exceeded thereby.

The following is true:

1. The Superior Court in and for the County of Yuma is a state office, separate and distinct from the County of Yuma.

2. The doctrine of separation of powers does not authorize the executive departments of government to exert control of the finances of a judicial division of government.

3. Certain items which have traditionally be relegated to the courts' budget in Yuma County, Arizona, are, in fact, statutorily mandated services which must be provided by the county. Among these are the cost of indigent defense, witness fees,

1 jury fees, translation fees and fees for transcription of court proceedings for indigent  
2 defendants.

3 4. At the adoption of the 1995-96 budget, the sum of \$350,000.00 was redlined  
4 from the court's indigent defense budget line.

5 5. That deleting the consideration of the items in #3 above which are county  
6 rather than court obligations would leave the court well within budget.

7 6. The court has not been made aware of any decision or direction by the  
8 Yuma County Board of Supervisors which:

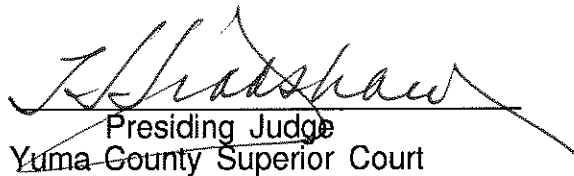
9 a. states that a budgetary emergency exists, or,

10 b. requires that steps be taken to economize.

11 7. The court recognizes that, while a separate department of government, it  
12 has the obligation to accommodate county government where it can do so without  
13 surrendering its own authority and that on certain occasions it will be necessary to  
14 accede to the needs of the county, the current directions by county administration will  
15 add a significant and unreasonable burden to the court and will curtail the ability of the  
16 court to provide services which it is constitutionally and statutorily mandated to  
17 provide.

18 **IT IS THEREFORE ORDERED** that until further order the Board of Supervisors  
19 of Yuma County, Arizona, shall direct the Yuma County Administrator and Finance to  
20 process and pay all normal and reasonable expenses of the Yuma County Superior  
21 Court.

22 Dated: May 30, 1996.

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25 Presiding Judge  
26 Yuma County Superior Court  
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